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STATE FOR EAP/MLS; GENEVA FOR RMA; NSC FOR HOLLY MORROW

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SUBJECT: CAMBODIAN OPPOSITION LEADER ON HUN SEN'S RECENT
ACTIONS, PROMISES

REF: PHNOM PENH 675

Classified By: Pol/Econ Chief Margaret McKean, Reason 1.4 (b) and (d)

11. (C) Summary. Opposition leader Sam Rainsy told the Ambassador on April 12 that he remains encouraged by his interactions with Hun Sen on land issues and opposition inclusion in the National Electoral Commission, but the key test of the PM's willingness to implement meaningful reforms will be his handling of the anti-corruption legislation and establishment of a truly independent mechanism to tackle corruption. On April 21, the Council of Ministers will vote to decriminalize defamation within Article 63 of the UNTAC law, and pave the way for its decriminalization within the draft penal code. Rainsy agreed that a National Assembly resolution on Burma would be useful, and that Hun Sen will need to be pushed to ensure CPP agreement. Rainsy assured us that while he's towing a softer line towards the government, his principles and political objectives have not changed. End Summary.

Land, Defamation, and the Opposition

12. (C) On April 12, the Ambassador and Pol/Econ Chief met with opposition leader Sam Rainsy and wife Tioulong Saumura to discuss recent developments and Rainsy's continuing discussions with Hun Sen on greater inclusion of the opposition in the country's political life. Rainsy noted that things are moving apace on the Land Authority, which had held a three-hour planning meeting on April 10. Rainsy said that DPM Sok An and SRP representative Eng Chhay Eang were on the same page on a number of issues facing the body, including the need for the Land Authority to have judicial authority as well as agreement on televising the Authority's proceedings. Rainsy and Saumura are aware that the PM's office is quietly cataloging land ownership province by province, to better understand the land ownership picture and how much land government authorities actually own. They will not question anyone's right to property unless it is contested by someone else; the Authority will not try to redress previous land deals no matter how suspect unless there is a competing interest that is brought before the Land Authority. Rainsy said that so far, he remains cautiously optimistic that the Authority will make progress on settling land disputes. It will take time, he continued, but they will begin with the easier complaints to build a case history and pattern of success before moving on to the more politically sensitive ones. Saumura noted reports that villagers jailed over land disputes have been released on the PM's orders as further evidence that Hun Sen is serious about resolving land problems.

13. (C) On anti-corruption, Rainsy is less certain about prospects for success and urged the Embassy and other donors to continue to insist on changes to the anti-corruption legislation. Rainsy offered that he believes Hun Sen realizes the situation requires action, but does not understand how to tackle corruption without upsetting the very structure that keeps the PM in power. Rainsy recalled his earlier dinner at the French Ambassador's residence, wherein Rainsy and DPM Sok An discussed battling corruption. According to Rainsy, the DPM said the process must unfold slowly; Cambodia is like a rusty boat but one cannot remove all the rust at once for fear of tipping over the boat. Rainsy fears that the PM will be tempted to undertake half measures and make an example of a few individuals. The problem is far greater and will require a more comprehensive solution; otherwise, he added, nothing will change and the country will remain impoverished. The Ambassador noted that he had provided Hun Sen with the donor community's suggested changes, adding that the PM had agreed they should be incorporated into the law. Rainsy said it will be important to maintain pressure on the government to implement them.

14. (C) On defamation and treatment of the opposition, Rainsy said the upcoming Council of Minister's meeting on April 21 will focus on three topics: first, the COM will amend the National Electoral Commission law to expand the number of participants from five (President, Vice-President, and three members) to nine, following the 5-2-2 formula. Thus, the three political parties will be represented in the same proportions as the 2003 election results. A newly constituted NEC would supervise not only the 2007 communal council elections but also the 2008 elections. Secondly, the COM will vote on the amended Article 63 of the UNTAC law that

PHNOM PENH 00000700 002 OF 002

will decriminalize defamation removing references to prison time. Rainsy said that once this happens, it will be easier for Hun Sen to follow through on his commitment to the Ambassador to remove defamation from the draft penal code. Finally, the COM will review the Ministry of Interior's directive on electing village chiefs. Rainsy said that rather than have the communal councils elect village chiefs, the government should look at which parties have the majority of members on communal councils and apportion the village chiefs within those communes accordingly. The Sam Rainsy Party only controls 13% of the communal councils, but they are willing to accept that formulation.

Burma

15. (C) Rainsy mentioned that he and Hun Sen have discussed Burma. Hun Sen has told Rainsy that Cambodia cannot afford to be held back by Burma, and that the PM intends to participate in the ASEAN-US meetings in Hanoi later this year. The Ambassador said that we have been in contact with SRP MP Son Chhay, who is now the Chairman of the National Assembly's Foreign Affairs Commission, regarding the possibility of a NA resolution on Burma. Rainsy noted that the CPP might not be supportive of a resolution without Hun Sen's express consent. Ambassador responded that the PM had initially resisted, but then turned noncommittal when we raised the issue with him. Rainsy offered that Hun Sen frequently changes his mind on issues once he has had the time to weigh the pros and cons and consult more thoroughly. Saumura suggested that the resolution focus primarily on the humanitarian situation in Burma, and less so on human rights. Rainsy urged us to work closely with Son Chhay, and the SRP will try to be helpful. The Ambassador made it clear that the Embassy would not lessen pressure on Hun Sen on domestic issues of concern to the USG in exchange for assistance on the international front.

Comment

16. (C) Rainsy remains pleased with political developments and the RGC actions taken thus far to give the opposition a greater role in Cambodia's political life. Like us, he is worried that the PM will find it difficult to live up to the tough message he continues to deliver on corruption. We look forward to the results of the April 21 Council of Minister's meeting; the PM had told us that Article 63 and the NEC law would be discussed, but had not mentioned changing the procedures for electing the village chiefs. We will continue to work with the SRP on Burma, as Rainsy can be helpful in reinforcing our messages. Rainsy and his wife indicated they will be in country during DAS Eric John's upcoming visit, and look forward to meeting with him. End comment.
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